

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 10, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 03KD-273

KAUAI

Set Aside to Department of Land and Natural Resources,
Division of Forestry and Wildlife for Addition to Puu Ka
Pele Forest Reserve at Waimea, Kauai, Tax Map Keys: (4) 1-5-
1: 1 and (4) 1-5-3: 9, 13, 16, 20, 22, and 27; and Game
Reserve Purposes at Waimea, Kauai, Tax Map Keys: (4) 1-5-1:
2 and (4) 1-5-3: 7, 8, 10, 15, 17, 19, 21, 24, and 40.

APPLICANT:

Department of Land and Natural Resources, Division of Forestry
and Wildlife

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Waimea, Kauai identified by Tax
Map Keys: (4) 1-5-1: 1 and 2, and 1-5-3: 7, 8, 9, 10, 13, 15, 16,
17, 19, 20, 21, 22, 24, 27, and 40 as shown on the attached map
labeled Exhibit A and B.

AREA:

9,216.358 acres, more or less.

ZONING:

State Land Use District:	Conservation (Resource) and Agriculture
County of Kauai CZO:	Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered

Revocable Permit No. S-6511	Gay & Robinson	Pasture purposes
Revocable Permit No. S-7359	Agribusiness Development Corporation	Hydroelectric power generation purposes
Revocable Permit No. S-6510	Genera Texeira	Residence & pasture purposes
Grant of Easement (LOD No. S- 24,591)	Hawaiian Telephone Co.	Telephone poles & wire lines
Revocable Permit No. S-5901	Franklin Dusenberry	Agriculture purposes

PURPOSE:

Addition to Puu Ka Pele Forest Reserve purposes.

Game Reserve purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements.

Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

The Division of Forestry and Wildlife entered into a cooperative agreement with Gay and Robinson, Inc. (hereinafter referred to as G & R) to conduct public hunting at Lower Waimea Canyon and Mokihana Ridge (TMK 1-5-1: 1 and 2). G & R held three separate revocable permits (Nos. S-5678, S-5680, and S-6511) for pasture purposes. On August 31, 1994, G & R requested Revocable Permit Nos. S-5678 and S-5680 be terminated because of poor production and the difficulty in managing the livestock on the State lands.

Since 1994 DOFAW has managed the State lands for public hunting without a set aside. G & R continues to hold Revocable Permit

No. S-6511 located on Peamoa flats because it is productive and adjacent to their fee simple lands.

REMARKS:

Because of the need to establish clear management responsibility, and to effectively regulate other public uses in the area, DOFAW is requesting that the Land Board recommend to the Governor the State parcels be set aside as (1) an addition to the Puu Ka Pele Forest Reserve and (2) for Game Reserve purposes. DOFAW needs permanent tenure in this area so that they can invest in long-term management activities that are consistent with wildlife management and recreational.

DOFAW's request is appropriate given the parcel's location, topography and restricted access.

Agency comments were solicited and the following comments were received:

DHHL	No response
DLNR- Aquatic Resources	No response
DLNR- DOFAW	No objections
DLNR- HP	No objections
OCCL	No objections
County of Kauai- Planning	No response
OHA	No response
Agribusiness Development Corp	See comments attached as Exhibit C
Gay & Robinson, Inc.	No objections
Genera Texeira	No response
Hawaiian Telephone/Verizon	No response

A copy of Agribusiness Development Corporation (ADC) comments was forwarded to DOFAW. DOFAW has agreed to work with ADC. The Land Board on December 9, 2005, under agenda item D-2, approved to recommend to the Governor a set aside to ADC for irrigation system and Waimea (Mauka) Hydro-Electric Power Generation Plant purposes. Revocable Permit No. S-7359 will be terminated upon issuance of the executive order document.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Land and Natural Resources, Division of

Forestry and Wildlife under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

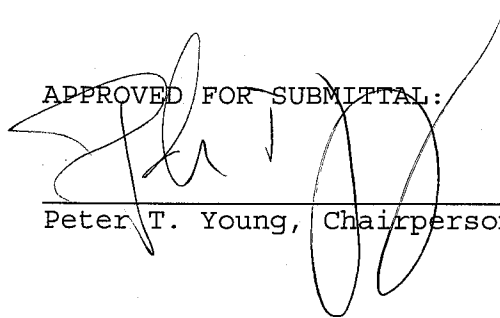
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Termination of Revocable Permit Nos. S-5901, S-6510, and S-6511 upon issuance of the executive order.
 3. Division of Forestry and Wildlife work cooperatively with Agribusiness Development Corporation.

Respectfully Submitted,

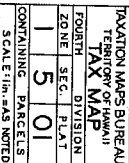


Thomas Oi
Kauai District Land Agent

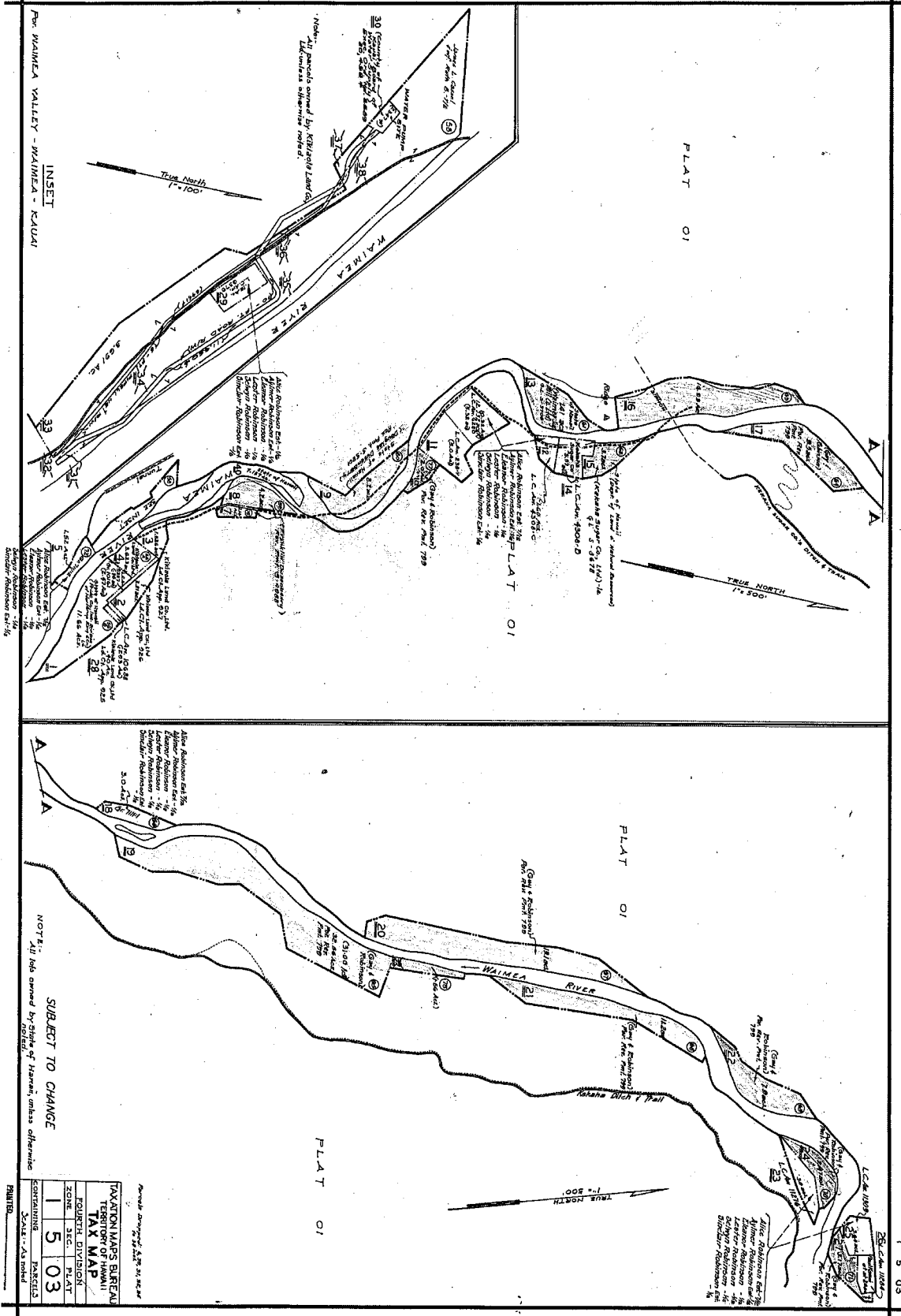
APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

ADVANCE SHEET
SUBJECT TO CHANGE



1951



NOTE: All the owned by State of Hawaii, unless otherwise noted.

SUBJECT TO CHANGE

TAXATION MAPS BUREAU	1	5	03
TERRITORY OF HAWAII			
TAX MAP			
SCALE 1:500			
DATE			
BY			

Scale - As noted

EXHIBIT B

03-273

LINDA LINGLE
GovernorALFREDO A. LEE
Executive DirectorSTATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

April 1, 2005

Mr. Michael L. Laureta
Kauai Land Agent
Department of Land and Natural Resources
3060 Eiwa Street, Room 306
Lihue, Hawaii 96766

Subject: Request for Set Aside of Lower Waimca Canyon-Mokihana Ridge to Puu
Ka Pele Forest Reserve and Na Pali Kona Forest Reserve, Por. Of Waimca
Valley, Waimca, Kauai, TMK. 4th/1-5-1:1 and Por. 2

Dear Mr. Laureta:

The Agribusiness Development Corporation (ADC) has no objections to the
proposal providing the interests of ADC and/or its assignees are reflected in the set aside
document as follows:

To be excluded from the Executive Order:

1. Waimea valley hydro premises.
2. Waihulu intake premises including access thereto.
3. Kekaha ditch including all contributory ditches, diversions, intakes,
tunnels, etc. and a reasonable easement for access, maintenance and
reconstruction.
4. Black pipe siphon, including a reasonable easement for access,
maintenance and reconstruction.
5. The power line from the Waimca hydro to the Puu Ka Pele substation
including a reasonable easement for access, maintenance and
reconstruction.

Access:

The ADC or its assignees shall have unrestricted access over and across the valley
road (where it crosses State land) to the Waimea valley hydro, and to the Waihulu intake

EXHIBIT C

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premises, including the right to relocate portions of the road as safety requirements dictate.

Maintenance:

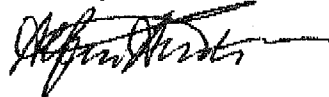
The cost to maintain the Waimea Valley Road shall be borne equally by DLNR and ADC or its assignees.

ADC or its assignees shall have the unrestricted right to utilize heavy equipment, explosives and helicopters including the right to land, in connection with its maintenance activities within the set aside.

ADC or its assignees shall have the right to the temporary use of sites within the set aside for staging maintenance and reconstruction projects.

Thank you for the opportunity to comment on this request. If you have any questions, please call me at (808) 586-0186.

Sincerely,



Alfredo A. Lee
Executive Director